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**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF CALIFORNIA**

J.F., a minor, by and through her  
Guardian Ad Litem, LIZ FRANCO;  
V.F., a minor, by and through her  
Guardian Ad Litem, LIZ FRANCO; and  
M.M., a minor, by and through her  
Guardian Ad Litem, JENNIFER  
MENENDEZ,

Plaintiff,

vs.

CITY OF WOODLAKE; and DOES 1-  
10, inclusive,

Defendants.

Case No.

**COMPLAINT FOR DAMAGES**

1. Unreasonable Search and Seizure—  
Excessive Force (42 U.S.C. § 1983)
2. Unreasonable Search and Seizure—  
Denial of Medical Care (42 U.S.C.  
§ 1983)
3. Substantive Due Process—(42  
U.S.C. § 1983)
4. Battery (Wrongful Death and  
Survival Damages)
5. Negligence (Wrongful Death and  
Survival Damages)
6. Violation of Bane Act (Cal. Civil  
Code § 52.1)

**DEMAND FOR JURY TRIAL**

**COMPLAINT FOR DAMAGES**

1. Plaintiffs J.F., a minor by and through her Guardian Ad Litem LIZ  
FRANCO, V.F., a minor by and through her Guardian Ad Litem LIZ FRANCO  
and M.M., a minor by and through her Guardian Ad Litem JENNIFER  
MENENDEZ, for their complaint against Defendants CITY OF WOODLAKE, and  
Does 1-10, inclusive, allege as follows:

**INTRODUCTION**

2. This civil rights action seeks compensatory and punitive damages from Defendants for violating various rights under the United States Constitution and state law in connection with the fatal officer involved shooting of Victor Melendez, decedent, by members of the City of Woodlake Police Department (“WPD”).

**PARTIES**

3. At all relevant times, Victor Melendez (“Decedent”), was an individual residing in the County of Tulare, California.

4. Plaintiff J.F. is a minor individual residing in the County of Seminole, Florida, and is the natural born daughter to DECEDENT. J.F. sues by and through her natural mother and Guardian Ad Litem, LIZ FRANCO. J.F. sues both in her individual capacity as the daughter of DECEDENT and in a representative capacity as a successor-in-interest to DECEDENT. J.F. seeks both survival, including DECEDENT’s pain and suffering and loss of enjoyment of life and wrongful death damages under federal and state law.

5. Plaintiff V.F. is a minor individual residing in the County of Seminole, Florida, and is the natural born daughter to DECEDENT. J.F. sues by and through her natural mother and Guardian Ad Litem, LIZ FRANCO. J.F. sues both in her individual capacity as the daughter of DECEDENT and in a representative capacity as a successor-in-interest to DECEDENT. J.F. seeks both survival and wrongful death damages under federal and state law.

6. Plaintiff M.M. is a minor individual residing in the County of Volusia, Florida, and is the natural born daughter to DECEDENT. M.M. sues by and through her natural mother and Guardian Ad Litem, JENNIFER MENENDEZ. M.M. sues both in her individual capacity as the daughter of DECEDENT and in a representative capacity as a successor-in-interest to DECEDENT. M.M. seeks both survival and wrongful death damages under federal and state law.

1       7. At all relevant times, Defendant CITY OF WOODLAKE (“CITY”) is and  
2 was a duly organized public entity, form unknown, existing under the laws of the  
3 State of California. At all relevant times, CITY was the employer of Defendants  
4 DOES 1-4, who were CITY police officers, DOES 5-6, who were CITY police  
5 officers’ supervisory officers, and DOES 7-10, who were managerial,  
6 supervisory, and policymaking employees of the CITY Police Department. On  
7 information and belief, at all relevant times, DOES 1-10 were residents of the  
8 County of Tulare, California. DOES 1-10 are sued in their individual capacity for  
9 damages only.

10       8. At all relevant times, Defendants DOES 1-10 were duly authorized  
11 employees and agents of CITY, who were acting under color of law within the  
12 course and scope of their respective duties as sheriff’s deputies and with the  
13 complete authority and ratification of their principal, Defendant CITY.

14       9. At all relevant times, Defendants DOES 1-10 were duly appointed deputies  
15 and/or employees or agents of CITY, subject to oversight and supervision by  
16 CITY’s elected and non-elected officials.

17       10. In doing the acts and failing and omitting to act as hereinafter described,  
18 Defendants DOES 1-10 were acting on the implied and actual permission and  
19 consent of CITY.

20       11. At all times mentioned herein, each and every CITY defendant was the  
21 agent of each and every other CITY defendant and had the legal duty to oversee  
22 and supervise the hiring, conduct and employment of each and every CITY  
23 defendant.

24       12. The true names of defendants DOES 1 through 10, inclusive, are unknown  
25 to PLAINTIFFS, who therefore sue these defendants by such fictitious names.  
26 PLAINTIFFS will seek leave to amend this complaint to show the true names and  
27 capacities of these defendants when they have been ascertained. Each of the  
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1 fictitious named defendants is responsible in some manner for the conduct and  
2 liabilities alleged herein.

3 13. On June 14, 2023, PLAINTIFFS served their claims for damages with CITY  
4 pursuant to applicable sections of the California Government Code.

5 14. On June 26, 2023, CITY rejected PLAINTIFFS' claims for damages.

6 **JURISDICTION AND VENUE**

7 15. This civil action is brought for the redress of alleged deprivations of  
8 constitutional rights as protected by 42 U.S.C. §§ 1983, 1985, 1986, 1988, and the  
9 Fourth of the United States Constitution. Jurisdiction is founded on 28 U.S.C.  
10 §§ 1331, 1343, and 1367.

11 16. Venue is proper in this Court under 28 U.S.C. § 1391(b), because  
12 Defendants reside in, and all incidents, events, and occurrences giving rise to this  
13 action occurred in the County of Tulary, California.

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15 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

16 17. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
17 through 16 of this Complaint with the same force and effect as if fully set forth  
18 herein.

19 18. On December 17, 2022, Decedent was in his vehicle, near the area of  
20 Highway 198 and Road 196, in Tulare County, near the City of Exeter, California.  
21 Decedent's vehicle was stopped, it was not being driven and was not in operating  
22 condition at the time of the shooting.

23 19. While near Highway 198 and Road 196, in Tulare County, DOES 1-5  
24 discharged their firearms at Decedent, striking him several times, causing Decedent  
25 serious physical injury and eventually killing him.

26 20. In information and belief, DECEDENT did not have a gun during the  
27 incident, including at the time of the shooting.  
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1       21. At the time of the shooting, Decedent did not pose an immediate or  
2 imminent threat of death or serious physical injury to either DOES 1-5 or any other  
3 person. Decedent was not about to kill or seriously injury anyone when he was  
4 fatally shot by DOES 1-5. Further, DECEDENT did not try to punch, kick or strike  
5 any of the involved officers and did not physically try to touch them or their  
6 weapons/equipment.

7       22. DECEDENT was not about to run anyone over at the time of the shooting,  
8 no one was about to be struck by DECEDENT's vehicle at the time of the shooting.  
9 Further, DECEDENT's vehicle was stationary when the involved officers  
10 discharged their firearms at DECEDENT.

11       23. There were other reasonable alternatives available to the involved officers,  
12 which were not exhausted prior to using deadly force against DECEDENT.

13       24. On information and belief, the involved officers did not provide timely  
14 medical care to DECEDENT, they did not timely summons medical assistance for  
15 DECEDENT, and/or they prevented medical assistance from being timely provided  
16 to DECEDENT.

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18                                   **FIRST CLAIM FOR RELIEF**

19                   **Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983)**

20                                   (b) (By Plaintiffs against Does 1-5)

21       25. Plaintiff repeats and realleges each and every allegation in paragraphs 1  
22 through 23 of this Complaint with the same force and effect as if fully set forth  
23 herein.

24       26. DOES1-5's unjustified shooting deprived DECEDENT of his right to be  
25 secure in his persons against unreasonable searches and seizures as guaranteed to  
26 Decedent under the Fourth Amendment to the United States Constitution and  
27 applied to state actors by the Fourteenth Amendment.  
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1       27. The unreasonable use of force by Defendant DOES 1-5 deprived the  
2 Decedent of his right to be secure in his person against unreasonable searches and  
3 seizures as guaranteed to Decedent under the Fourth Amendment to the United  
4 States Constitution and applied to state actors by the Fourteenth Amendment.

5       23. As a result, Decedent suffered extreme mental and physical pain and  
6 suffering, loss of enjoyment of life and eventually suffered a loss of life and of  
7 earning capacity. Plaintiffs have also been deprived of the life-long love,  
8 companionship, comfort, support, society, care, and sustenance of Decedent, and  
9 will continue to be so deprived for the remainder of their natural lives. Plaintiffs are  
10 also claiming funeral and burial expenses and a loss of financial support.

11       24. As a result of the conduct of DOES 1-5, they are liable for Decedent's  
12 injuries, either because they were integral participants in the excessive force, or  
13 because they failed to intervene to prevent these violations.

14       25. This use of deadly force was excessive and unreasonable under the  
15 circumstances, especially since DECEDENT did not pose an immediate threat of  
16 death or serious bodily injury at the time of the shooting, DECEDENT was not  
17 trying to physically injure anyone, including the involved officers, shortly before or  
18 at the time of the shooting, and there were less than lethal alternatives available,  
19 which were not exhausted before resorting to the use of deadly force against  
20 DECEDENT. Further, DECEDENT was unarmed during the incident, his vehicle  
21 was not moving when he was shot and no one was in danger of being struck by  
22 DECEDENT's vehicle at the time of the shooting. Defendants' actions thus  
23 deprived DECEDENT of his right to be free from unreasonable searches and  
24 seizures under the Fourth Amendment and applied to state actors by the Fourteenth  
25 Amendment.

26       26. The conduct of DOES 1-5 was willful, wanton, malicious, and done  
27 with reckless disregard for the rights and safety of Decedent and therefore warrants  
28 the imposition of exemplary and punitive damages as to Defendants DOES 1-5.

27. Plaintiffs bring this claim as successor-in-interest to the Decedent, and seek both survival damages, including DECEDENT's pain and suffering and loss of enjoyment of life and wrongful death damages for the violation of Decedent's rights.

28. Plaintiffs also seek attorney fees under this claim.

## **SECOND CLAIM FOR RELIEF**

## Unreasonable Search and Seizure—Denial of Medical Care (42 U.S.C. § 1983)

(Against Defendants DOES 1-4)

29. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 28 of this Complaint with the same force and effect as if fully set forth herein.

30. The denial of medical care by Defendant Does 1-4 deprived DECEDENT of his right to be secure in his person against unreasonable searches and seizures as guaranteed to DECEDENT under the Fourth Amendment to the United States Constitution and applied to state actors by the Fourteenth Amendment.

31. As a result, DECEDENT suffered extreme mental and physical pain and suffering and eventually suffered a loss of life and earning capacity. Plaintiffs have also been deprived of the life-long love, companionship, comfort, support, society, care, and sustenance of DECEDENT, and will continue to be so deprived for the remainder of their natural lives. Plaintiffs are also claiming funeral and burial expenses and a loss of financial support.

32. Defendant Does 1-4 knew that failure to provide timely medical treatment to DECEDENT could result in further significant injury or the unnecessary and wanton infliction of pain, but disregarded that serious medical need, causing DECEDENT great bodily harm and death.

33. After shooting DECEDENT multiple times, DOES 1-4 did not timely summons medical attention for DECEDENT, who was bleeding profusely and had



1 obvious serious injuries, and DOES 1-4 also did not allow and prevented  
2 responding medical personnel on-scene to timely render medical aid/assistance to  
3 DECEDENT.

4 34. The conduct of Does 1-4 was willful, wanton, malicious, and done with  
5 reckless disregard for the rights and safety of DECEDENT and therefore warrants  
6 the imposition of exemplary and punitive damages as to Defendant Does 1-4.

7 35. Plaintiffs bring this claim as a successors-in-interest to DECEDENT,  
8 and seek both survival and wrongful death damages for the violation of  
9 DECEDENT's rights.

10 36. Plaintiffs also seek attorney's fees under this claim.

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12 **THIRD CLAIM FOR RELIEF**

13 **Substantive Due Process (42 U.S.C. § 1983)**

14 (Against Defendant DOES 1-4)

15 37. Plaintiffs repeat and reallege each and every allegation in  
16 paragraphs 1 through 36 of this Complaint with the same force and effect as if fully  
17 set forth herein.

18 38. J.F. Jand had a cognizable interest under the Due Process Clause of  
19 the Fourteenth Amendment of the United States Constitution to be free from state  
20 actions that deprive her of life, liberty, or property in such a manner as to shock the  
21 conscience, including but not limited to, unwarranted state interference in Plaintiff's  
22 familial relationship with her father, DECEDENT.

23 39. V.F. had a cognizable interest under the Due Process Clause of the  
24 Fourteenth Amendment of the United States Constitution to be free from state  
25 actions that deprive her of life, liberty, or property in such a manner as to shock the  
26 conscience, including but not limited to, unwarranted state interference in Plaintiff's  
27 familial relationship with her father, DECEDENT.



1           40. N.M. had a cognizable interest under the Due Process Clause of the  
2 Fourteenth Amendment of the United States Constitution to be free from state  
3 actions that deprive her of life, liberty, or property in such a manner as to shock the  
4 conscience, including but not limited to, unwarranted state interference in Plaintiff's  
5 familial relationship with her father, DECEDENT

6           41. As a result of the excessive force by DOES 1-4, and their failure to  
7 intervene, DECEDENT died. Plaintiffs J.F., V.F. and N.M. were thereby deprived  
8 of their constitutional right of familial relationship with DECEDENT.

9           42. Does 1-4, acting under color of state law, thus violated the Fourteenth  
10 Amendment rights of J.F., V.F. and N.M. to be free from unwarranted interference  
11 with their familial relationship with DECEDENT.

12           43. The aforementioned actions of DOES 1-4, along with other  
13 undiscovered conduct, shock the conscience, in that they acted with deliberate  
14 indifference to the constitutional rights of DECEDENT and Plaintiffs J.F., V.F. and  
15 N.M. and with purpose to harm unrelated to any legitimate law enforcement  
16 objective.

17           44. Defendants DOES 1-4, acting under color of state law, thus violated the  
18 Fourteenth Amendment rights of DECEDENT and Plaintiffs.

19           45. As a direct and proximate cause of the acts of DOES 1-4, DECEDENT  
20 experienced severe pain and suffering and lost his life and earning capacity.  
21 Plaintiffs suffered extreme and severe mental anguish and pain and have been  
22 injured in mind and body. Plaintiffs has also been deprived of the life-long love,  
23 companionship, comfort, support, society, care and sustenance of DECEDENT, and  
24 will continue to be so deprived for the remainder of their natural lives. Plaintiffs are  
25 also claiming funeral and burial expenses.

26           46. As a result of the conduct of Does 1-4, they are liable for  
27 DECEDENT'S injuries, either because they were integral participants in the denial  
28 of due process, or because they failed to intervene to prevent these violations.

1           47. The conduct of DOES 1-4 was willful, wanton, malicious, and done  
2 with reckless disregard for the rights and safety of DECEDENT and Plaintiffs and  
3 therefore warrants the imposition of exemplary and punitive damages as to  
4 Defendant DOES 1-4.

5           48. Plaintiffs brings this claim individually and seek wrongful death  
6 damages for the violation of Plaintiffs' rights.

7           49. Plaintiffs also seek attorney fees under this claim.

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9                                   **FOURTH CLAIM FOR RELIEF**  
10                                  **Battery (Cal. Govt. Code § 820)**  
11                                  (Survival and Wrongful Death)  
                                  (Against Defendants Does 1-5 and City)

12           50. Plaintiffs repeat and realleges each and every allegation in  
13 paragraphs 1 through 49 of this Complaint with the same force and effect as if fully  
14 set forth herein.

15           51. DOES 1-5, while working as police officers for the CITY's police  
16 department, and acting within the course and scope of their duties, intentionally shot  
17 Decedent multiple times. As a result of the actions of DOES 1-5, Decedent suffered  
18 severe pain and suffering and ultimately died from his injuries and lost earning  
19 capacity. DOES 1-5 had no legal justification for using force against Decedent and  
20 said defendants' use of force while carrying out their police officer duties was an  
21 unreasonable use of force. Especially since DECEDENT was unarmed during the  
22 incident, his vehicle was stopped at the time of the shooting and no one was about to  
23 be ran over or struck by DECEDENT's vehicle at the time of the shooting.

24           52. As a direct and proximate result of defendants' conduct as alleged  
25 above, Plaintiffs suffered extreme and severe mental anguish and pain and have  
26 been injured in mind and body. Plaintiffs also have been deprived of the life-long  
27 love, companionship, comfort, support, society, care and sustenance of their father,  
28 DECEDENT, and will continue to be so deprived for the remainder of their natural

1 life. Plaintiffs are also claiming funeral and burial expenses and loss of financial  
2 support.

3 53. CITY is vicariously liable for the wrongful acts of DOES 1-5 pursuant  
4 to section 815.2(a) of the California Government Code, which provides that a public  
5 entity is liable for the injuries caused by its employees within the scope of the  
6 employment if the employee's act would subject him or her to liability.

7 54. The conduct of DOES 1-5 was malicious, wanton, oppressive, and  
8 accomplished with a conscious disregard for the rights of Plaintiffs and Decedent,  
9 entitling Plaintiffs, individually and as successors-in-interest to Decedent, to an  
10 award of exemplary and punitive damages.

11 55. Plaintiffs brings this claim both individually and as a successors-in-  
12 interest to Decedent, and seeks both survival damages, including pre-death pain and  
13 suffering, and wrongful death damages under this claim.

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15 **FIFTH CLAIM FOR RELIEF**  
16 **Negligence (Cal. Govt. Code § 820)**  
17 (Survival and Wrongful Death)  
18 (Against All Defendants)

19 56. Plaintiffs repeat and realleges each and every allegation in paragraphs 1  
20 through 55 of this Complaint with the same force and effect as if fully set forth  
21 herein.

22 57. The actions and inactions of the Defendants were negligent and  
23 reckless, including but not limited to:

- 24 (a) the failure to properly and adequately assess the need to detain,  
25 arrest, and use force or deadly force against DECEDENT;  
26 (b) the negligent tactics and handling of the situation with  
27 DECEDENT, including pre-shooting negligence;  
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- (c) the negligent detention, arrest, and use of force, including deadly force, against Decedent;
- (d) failure to recognize that DECEDENT was unarmed and did not have a gun;
- (e) failure to recognize that DECEDENT's car was stopped and was no longer being driven;
- (f) the failure to summons and provide prompt medical care to Decedent;
- (g) the failure to properly train and supervise employees, both professional and non-professional, including DOES 1-5;
- (h) the failure to ensure that adequate numbers of employees with appropriate education and training were available to meet the needs of and protect the rights of Decedent; and
- (i) the negligent handling of evidence and witnesses.

58. As a direct and proximate result of defendants' conduct as alleged above, and other undiscovered negligent conduct, DECEDENT was caused to suffer severe pain and suffering and ultimately died and lost earning capacity. Also as a direct and proximate result of defendants' conduct as alleged above, Plaintiffs suffered extreme and severe mental anguish and pain and have been injured in mind and body. Plaintiffs also have been deprived of the life-long love, companionship, comfort, support, society, care and sustenance of DECEDENT, and will continue to be so deprived for the remainder of their natural lives. Plaintiffs also are claiming funeral and burial expenses and loss of financial support.

59. CITY is vicariously liable for the wrongful acts of DOES 1-10 pursuant to section 815.2 of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's act would subject him or her to liability.

1           60. Plaintiffs bring this claim both individually and as successor in interest  
2 to DECEDENT and seek both wrongful death damages and survival damages under  
3 this claim.

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5                                   **SIXTH CLAIM FOR RELIEF**

6                   **Violation of Bane Act (Cal. Civil Code § 52.1)**

7                                   (BY Plaintiffs against Does 1-5 and City)

8           61. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
9 through 59 of this Complaint with the same force and effect as if fully set forth  
10 herein.

11           62. California Civil Code, Section 52.1 (the Bane Act), prohibits any  
12 person from interfering with another person's exercise or enjoyment of his  
13 constitutional rights by threats, intimidation, or coercion.

14           63. Conduct that violates the Fourth Amendment can also amount to  
15 conduct that violates the California Bane Act.

16           64. Defendant DOES 1-5 use of deadly force was excessive and  
17 unreasonable under the circumstances, especially since DECEDENT was unarmed  
18 during the incident, including at the time of the shooting, and DECEDENT never  
19 attempted to punch, kick, or strike any of the involved officers and he never  
20 attempted to touch or grab any of the involved officers' equipment or guns.  
21 Moreover, DECEDENT's vehicle was stationary at the time of the shooting and no  
22 one was about to be run over or struck by DECEDENT's vehicle. Further,  
23 DECEDENT did not pose an imminent threat of death or serious bodily injury  
24 towards anyone, when he was fatally shot. Defendants' actions thus deprived  
25 DECEDENT of his right to be free from unreasonable searches and seizures and to  
26 be free from having unreasonable and excessive force used against him. Further, the  
27 involved officers acted with a reckless disregard of constitutional and statutory  
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1 rights of the Decedent, including the right to be free from having unreasonable and  
2 excessive deadly force used against him.

3 65. The involved officers intentionally used excessive deadly force against  
4 DECEDENT by recklessly disregarding the DECEDENT's right to be free from  
5 excessive force.

6 66. DOES 1-5, while working as police officers for the CITY's police  
7 department, and acting within the course and scope of their duties, interfered with or  
8 attempted to interfere with the rights of DECEDENT to be free from unreasonable  
9 searches and seizures, to equal protection of the laws, to access to the courts, and to  
10 be free from state actions that shock the conscience, by threatening or committing  
11 acts involving violence, threats, coercion, or intimidation.

12 66. On information and belief, DECEDENT reasonably believed that if he  
13 exercised his rights, including his civil rights, DOES 1-5 would commit acts  
14 involving violence, threats, coercion, or intimidation against them or their property.

15 67. On information and belief Defendant DOES 1-5 injured DECEDENT  
16 to prevent him from exercising his rights or retaliated against Decedent for having  
17 exercised his rights.

18 68. DECEDENT was caused to suffer extreme pain and suffering and  
19 eventually suffered a loss of life and of earning capacity. Plaintiffs have also been  
20 deprived of the life-long love, companionship, comfort, support, society, care, and  
21 sustenance of DECEDENT, and will continue to be so deprived for the remainder of  
22 their natural lives. Plaintiffs are also claiming funeral and burial expenses and a loss  
23 of financial support.

24 69. The conduct of DOES 1-5 was a substantial factor in causing the  
25 harms, losses, injuries, and damages of DECEDENT and Plaintiffs.

26 70. CITY is vicariously liable for the wrongful acts of DOES 1-5 pursuant  
27 to section 815.2(a) of the California Government Code, which provides that a public  
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1 entity is liable for the injuries caused by its employees within the scope of the  
2 employment if the employee's act would subject him or her to liability.

3 71. The conduct of DOES 1-5 was malicious, wanton, oppressive, and  
4 accomplished with a conscious disregard for the rights of DECEDENT entitling  
5 Plaintiffs to an award of exemplary and punitive damages.

6 72. Plaintiffs bring this claim in a representative capacity as the successors-  
7 in-interest to DECEDENT, and seek survival damages, including for pre-death pain  
8 and suffering and loss of enjoyment of life for the violation of Decedent's rights.

9 73. The Plaintiffs also seek attorney fees under this claim.  
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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs request entry of judgment in her favor and against Defendants City of Woodlake, and Does 1-10, inclusive, as follows:

- A. For compensatory damages, including both survival damages, including pain and suffering and loss of enjoyment of life and wrongful death damages under state law and federal law, in the amount to be proven at trial;
- B. For funeral and burial expenses and loss of financial support;
- C. For punitive damages against the individual defendants in an amount to be proven at trial;
- D. For interest;
- E. For treble damages under Civil Code Section 52.1.
- F. For reasonable costs of this suit and attorneys' fees; and
- G. For such further other relief as the Court may deem just, proper, and appropriate.

DATED: November 7, 2023

LAW OFFICES OF DALE K. GALIPO

By s/ Dale K. Galipo

Dale K. Galipo

Eric Valenzuela

Attorneys for Plaintiffs

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury.

DATED: November 7, 2023

LAW OFFICES OF DALE K. GALIPO

By s/ Dale K. Galipo

Dale K. Galipo

Eric Valenzuela

Attorneys for Plaintiffs